

## REMARKS

The undersigned acknowledges the courteous treatment extended to Mr. Belkin during a personal interview held on May 12, 2005, during which Reynaud and Alpert were discussed in relation to the claims as amended. Mr. Belkin pointed out how the claims distinguished over these references and why Alpert should be removed as a reference. Below summarizes the discussion held.

Applicants submit this Rule 116 Amendment After Final Office Action in conjunction with the filing of a Request For Combined Examination (RCE).

Claims 1-32 and 37 were previously canceled. Claims 36, 41, 43, 47-49, 51, 62, 63 and 66-69 are canceled herein.

Please deduct the RCE filing fee of \$395 from Applicants' attorney's Deposit Account Number 23-0120. Since there are now 46 total claims pending, or 26 in excess of 20 claims, and four independent claims, or one in excess of three independent Claims, please deduct the extra claims fees of \$750 from Applicants' attorneys Deposit Account Number 23-0120.

Claims 64 and 65 were rejected as containing language not supported by the specification. These claims are amended to adopt language used in the specification to describe the embodiment shown in Fig. 4 and described in col. 6, lines 47-50 of the parent patent (USP 5,518,399).

Claims 34-35, 38, 40-50 and 53-71 were rejected as being unpatentable over Reynaud et al in view of Albert. (Presumably, the Examiner meant to include claim 33 in this rejection.)

Reynaud discloses a dental securing peg of composite material using carbon fibers. The Applicant's use of fiberglass is considered to be an important distinction over Reynaud.

Alpert does have a flexible root canal prosthesis but Alpert does not qualify as a prior art reference.

For example, according to the Examiner, the Applicants' parent application, now US Patent number 5,518,399 "does not

disclose the use of glass for the post fibers, and therefore, for this feature, Alpert is prior art".

However, the Applicants' parent application does disclose fiberglass composites, such as fiberglass polyester composites (see col. 5, lines 52-57 of the patent). In order to expedite prosecution of the application, independent claims 33 and 55 are amended to include what is believed to be encompassed in the above Sicurelli et al '399 parent application, that is, "fiberglass composite", which is substituted for "glass fibers" previously used in the claims. Claims 33 and 55 are also amended to recite that the post is "prefabricated" in that it is made to its final form before being inserted in situ into the mouth of a dental endodontic patient. In Alpert, the prosthesis is "stiffened" within the root canal (see a discussion below).

Thus, the patent to Alpert should be removed as a reference and claims 33 and 55, along with their depending claims 34-35, 38-40, 42, 44-46, 50, 52-61, 64-65, 70-76, as well as new claims 70-92 and in view of the above discussion, should be allowable.

In the alternative, it is believed that claim 33 and its depending claims, as amended, in any event, do distinguish over the references for the reasons which follow. In Alpert, the resin containing the fibers is cured in the tooth canal (see col. 3, last paragraph), whereas in the present invention the resin containing the fibers is cured in advance, i.e., is prefabricated, as claim 33 recites. Claim 33 as amended emphasizes this aspect of the invention by now reciting that the post is prefabricated, that is, it is ready for insertion into a tooth canal. The expression "prefabricated" is referred to in a number of different places in the parent application, including col. 6, line 66, of the issued patent '399 providing support for such language. The use of a prefabricated core is a clear distinction over Alpert which teaches curing the fibers in the root canal, as pointed out above.

There is a world of difference between prefabricating the flexible post (as in the present invention) and the rope being

saturated with resin and cured within the tooth canal (as in Alpert).

New depending Claim 74 recites that the fiberglass composite is S-glass and new depending Claims 75 and 76 recite that the fiberglass composites of Claims 33 and 55 each comprise a twisted bundle of fibers.

New independent Claim 77 recites a post for reconstructive pin therapy comprising fiberglass reinforced plastic, where the post is flexible, prefabricated and extends from an apical and to a coronal end of tooth canal.

New independent Claim 78 and depending Claims 79-92 recite a dental post consisting essentially of bundles of fiberglass fibers in a cured resin, wherein the fibers are twisted and the post is prefabricated. Depending Claims 79-92 add details of the dental post and would be allowable along with parent independent Claim 78.


In view of the foregoing, the claims in their present form clearly distinguish over the art of record and should be allowed.

The Examiner is requested to call the undersigned if additional changes are required to obtain allowance.

A favorable action is solicited.

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Respectfully submitted,




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**CERTIFICATE OF FAX TRANSMISSION**

I hereby certify that this correspondence is being deposited by Fax to Commissioner for Patents at 703-872-9306 on the date indicated below.

Date: May 24 , 2005

  
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